

C. W. O. GEORGE C. CARTER

JANUARY 31, 1956.—Committed to the Committee of the Whole House and ordered to be printed

Mr. LANE, from the Committee on the Judiciary, submitted the following

R E P O R T

[To accompany H. R. 8310]

The Committee on the Judiciary, to whom was referred the bill (H. R. 8310) for the relief of C. W. O. George C. Carter, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

This proposed legislation was transmitted to the Speaker of the House and referred to this committee for consideration. Therefore, after careful review your committee recommends favorable consideration be given the bill. A letter from the Secretary of the Army is as follows:

DEPARTMENT OF THE ARMY,
Washington 25, D. C., October 3, 1955.

Hon. SAM RAYBURN,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: There is enclosed herewith a draft of a bill for the relief of C. W. O. George C. Carter. The submission of this proposed legislation is in accordance with procedures approved by the Secretary of Defense.

The purpose of this proposed bill is to reimburse the claimant for the complete destruction of his household goods and personal property. The property in question was destroyed by fire which occurred in the building (known as Scherick Mill) in which Chief Warrant Officer Carter and his family were residing pursuant to a private rental agreement at the time he was on duty with the United States Army in France.

George C. Carter was born on October 19, 1921, at Prichard, Ala., is married and has two minor children. He served with the Alabama National Guard in an inactive status from June 17, 1940, to November 24, 1940; was called to active duty in the Army on November 25, 1940, as private; and was discharged as sergeant on July 2, 1943, for the convenience of the Government to accept a commission as a second lieutenant, Army of the United States (temporary) and was assigned Serial No. O1798115. He was promoted to first lieutenant on April 16, 1945; was released from active duty on January 14, 1946; was recalled to active duty as first lieutenant, Corps of Military Police Reserve, on November 2, 1948; and was released from active duty on June 30, 1949. On July 11, 1949, he enlisted in the Army as master sergeant, Army Serial No. RO20414539; was dis-

charged on January 17, 1952, for the convenience of the Government to accept an appointment as warrant officer junior grade, serial No. W2150700; and on February 28, 1955, received a promotion to chief warrant officer.

The Grimault building, called the Scherick Mill, located at La Bessoniere in Dieu, Meuse, France, is an old mill in which five apartments were built, including sheds and a big attic. There were 3 apartments on the first floor, 2 of them looking out upon the yard and the other looking out upon the garden. The other two were on the second floor, one looking out upon the yard and the other the garden. All five apartments in the building were occupied by American soldiers and their dependents. Chief Warrant Officer Carter with his wife and two minor children occupied the apartment on the second floor, looking out upon the garden.

On December 27, 1954, at approximately 9 p. m., a fire, which apparently started in the attic above the apartment occupied by Chief Warrant Officer Carter and his family completely destroyed the apartment, as well as the furniture and personal property located therein. Only one room of the apartment on the first floor was destroyed, this apartment being located below the kitchen and dining room of the Carter apartment. The rest of the building suffered from water. An investigation revealed that the fire might have been caused by a defective chimney, of which only the flue liner from the first floor was used, no heating device being connected on the second floor. The owner of the building stated, in pertinent part, "I do not know exactly the terms of the insurance since the said premises are considered as storage building and not as apartments."

On June 17, 1955, Chief Warrant Officer Carter filed a claim with the Department of the Army for consideration under the provisions of the Military Personnel Claims Act of 1945, as amended (31 U. S. C. 222c), for reimbursement in the amount of \$4,670.95. The claim was processed under the regulations prescribed by the Secretary of the Army in accordance with the Military Personnel Claims Act of 1945, supra. After giving effect to depreciation of the items involved in the claim, it was determined in this Department that the claim was meritorious in the amount of \$3,932.35. However, Public Law 439, 82d Congress, dated July 3, 1952 (66 Stat. 321), placed a maximum limitation of \$2,500 on the amount which could be administratively paid under the provisions of the Military Personnel Claims Act of 1945, supra, which was the only statute under which the claim could be considered. Accordingly, the claim has been administratively allowed in the maximum amount of \$2,500. The claimant has not been compensated for the remaining portion of his loss which has been determined by this Department to be \$1,432.35. There is no way in which Chief Warrant Officer Carter can be compensated for this remaining portion of his loss other than through the enactment of special legislation for his relief. The loss occurred incident to his service without any fault or neglect on his part.

The Congress, from time to time, has favorably considered claims of members of the Armed Forces for loss of personal property in excess of the \$2,500 limitation placed upon administrative payments under the Military Personnel Claims Act of 1945, supra. Recent cases are Private Law 494, for the relief of Paul G. Kendall (H. R. 5025); Private Law 497, for the relief of Walter Carl Sander (H. R. 685); and Private Law 933, for the relief of Staff Sergeant Frank C. Maxwell (H. R. 7835), all enacted by the 83d Congress. An additional case, S. 3515, for the relief of John B. Gibbons, Jr., was under consideration by the Committee on the Judiciary, United States Senate, at the close of the second session of the 83d Congress but was not acted upon.

The total cost of this bill, if enacted, will be \$1,432.35.

The Bureau of the Budget advises that there is no objection to the submission of the proposed legislation for the consideration of the Congress.

Sincerely yours,

WILBER M. BRUCKER,
Secretary of the Army.